Congress as described in the published calendar. Among these is a letter from Wilson Cary Nicholas to Jefferson, dated October 4, 1798, which is plainly the letter referred to in the endorsement of Jefferson's letter of October 5. Nicholas writes that he has put into

> the hands of Mr. John Breckinridge a copy of the resolutions that you sent me, he says he is confident that the legislature of Kentucky (of which he is a member) will adopt them. . . . he was very anxious to pay his respects to you but we both thought it best that he should not see you, as we believed if he did the resolutions would be attributed to you. I ventured to inform him that they came from you.

There is no reason to doubt the authenticity of this letter. It appears clearly from it that Breckinridge did not go to Monticello on this visit to his old home near Charlottesville; that he had no part whatever in the inception of the protest against the Alien and Sedition Laws and that their passage by a Kentucky assembly was rather a matter of accident than of design. Colonel Durrett seems to have shown without chance for debate that there was considerable revision of the Resolutions after they left Jefferson's pen, and before their introduction into the Kentucky legislature; but as to who made these changes and the reasons for their being made, that is an entirely different matter.

EDWARD CHANNING.

SLAVE CRIME IN VIRGINIA

To promote the suppression of crime, various colonies and states provided by law that the owners of slaves capitally sentenced should be compensated by the public at appraised valuations. This brought it about that, although slaves were generally tried by courts not of record, in many cases documents reciting the convictions were officially filed. In Virginia the reimbursement was made through the state treasury. Accordingly it happens that in the great mass of archives recently made accessible in the Virginia State Library sundry packages contain some thirteen hundred vouchers, each recording the conviction of one or more slaves for a capital crime. So far as my knowledge goes, no comparable record has come to light in another commonwealth.

The earliest voucher is dated 1774; but the six which fall in that decade are so few as to indicate that the file is imperfect.[1] In

[1] [Among notes which the managing editor of this journal made in 1891 from the miscellaneous papers of the legislative session of 1774, then recently dis-

the seventeen-eighties the vouchers list 66 convictions; in the nineties, 112; and in the first five decades of the nineteenth century, 179, 185, 242, 210, and 168, respectively. All vouchers for the years 1856, 1857, and 1858, and apparently some of those for 1859, are missing. In those preserved for the rest of the fifties there are 168 convictions recorded, and 26 in 1860, 28 in 1861, 15 in 1862, 6 in 1863, and 7 in 1864, when the series ends. The total number of convictions from first to last, thus recorded, was 1418; and all but 91 of those convicted were males.

In 301 cases the crime is reported merely as a felony, or else without any specification at all. Of the 1117 offenses definitely stated, 346 were murder, discriminated as follows: murder of master, 56; of overseer, 7; of other white man, 98; of mistress, 11; of other white woman, 13; of master's child, 2; of other white child, 7; of free negro man, 7; of slave man, 59; of slave woman, 14; of slave child, 12 (all of which were murders by slave women of their own children); of persons not described, 60. Of the murderers 307 were men and 39 were women.

For rape there were 73 convictions, and for attempts at rape, 32. This total of 105 cases was quite evenly distributed by years in proportion to capital crime in general; but in the territorial distribution there was a marked preponderance in the newer counties of the Piedmont and the Shenandoah Valley, as compared with the older district of the Tidewater where there were but 21 convictions all told. In two cases at least the victims were white children, one described as an infant, the other as under ten years old. In two more instances they were free mulatto women, though in one of these the conviction was merely of "suspicion of rape". That a voucher should have recorded sentence on suspicion and that the prisoner should actually have been transported under it shows not only an extreme amateurishness of the court but a surprising acquiescence by the governor. None of the vouchers tell of the rape of slave women; but this is far from proving that such were immune. The whole record, which might easily be supplemented with cases from other states, refutes the oft-made assertion that white women were never assaulted by negroes in the ante-bellum South.

Convictions for poisoning and attempts to poison, including the administering of ground glass, numbered 55 (40 men and 15 women), in most of which the crime was directed against white

covered and not yet arranged, he finds succinct mention of twenty-two slaves condemned to be hanged—one in 1770, nine in 1772, eleven in 1773, one in 1774—with an average valuation of £76, but without specification as to crimes. See also *Journals of the House of Burgesses, 1773–1776*, p. 11 (March 5, 1773).]

persons. Associated with this category was the conviction of a man in 1794 and a woman in 1823 for administering medicine to white persons—a capital offense under the law. The sentence in the former case is not recorded. In the latter the court recommended the prisoner to the governor's mercy, and her sentence of death was commuted to transportation. If other arrests were made under this precautionary law the prisoners were doubtless either acquitted or pardoned.

For other assaults, attempts to murder, and the like, there were 111 sentences falling within the purview of the vouchers, only two of which were described as being directed against negro victims. Sentences to corporal punishment do not appear in the vouchers except by chance. One of these, in 1854, was for abetting an attempt at murder. The sentence imposed was thirty-nine lashes on the first day, fifteen on the second, fifteen on the third, fifteen on the fourth, and thirty-nine on the fifth. Doubtless the prisoner would have greatly preferred the sentence of transportation which was given his principal in the crime.

For insurrection and conspiracies to that end 91 slaves were convicted, including 36 in Henrico County in 1800 for participation in Gabriel's uprising, and 17 in 1831, mostly in Southampton County, as followers of Nat Turner. The rest were scattering. Fourteen convictions occurred, indeed, in 1802, but they were distributed in three isolated counties.

For arson there were 90 slaves convicted, including 29 women. For burglary there were 257, with but one woman among them. The highway robbers numbered 15; the horse thieves 20; and those sentenced for other sorts of theft 24, with no women in these categories. Strikingly unusual convictions were those of a slave in 1827 for forgery, and of another in 1839 for causing to be printed certain writings denying the right of masters to property in their slaves.

The only unusual punishment recorded in the vouchers was that of a slave in Rockridge County, 1786, who for the murder of a fellow slave had his head cut off and stuck on a pole at the forks of the road. The least of the offenses of which details are given was that of entering a kitchen and stealing one silver spoon, in Nottoway County, 1789, for which the thief was put to death. The laws and their administration were more severe in the eighteenth century than afterward.

Occasionally the vouchers furnish more or less unexpected sidelights. In 1788 a citizen of Amelia County was paid £80 for a slave who had been killed after proclamation as an outlaw. In

1801 Tom and Pharaoh were bought for $500 each and emancipated by the state in reward for public services, presumably in connection with the repression of Gabriel's insurrection. In 1805 a slave who two years before had been sentenced to transportation in punishment for burglary reappeared and was executed, and his master was then given compensation. The inference is that the master had been allowed to deport the slave privately. Several other vouchers indicate similar irregularities. A few vouchers note that the slaves convicted belonged to free persons of color, and in one case that the slave, along with other property, had been given to a free negro girl by the last will of a white man. One of the negroes convicted, furthermore, was described as a slave for a term of years. Several of the convicts broke jail after sentence, but their masters were paid for them notwithstanding.

The court, the commonwealth's attorney, and private citizens occasionally asked the governor to pardon a slave. Where pardon was granted the case does not appear in the vouchers; but where the sentence was commuted to deportation or imprisonment the vouchers give the facts. A peculiar ground for petitioning is given in the following which is drawn from a source outside the vouchers: "A young negro, a valuable tradesman in this town, is condemned to die on the tenth of next month. His master employed no attorney, and it is the general opinion he has a much greater regard for the high value set upon his negro than for life. From our long friendship I petition you to pardon him."[2]

Many of the vouchers in the eighteenth century omitted mention of the sentences imposed; but nearly all the rest recorded sentences of death. In the nineteenth century, on the other hand, nearly two-thirds of the sentences prior to the gap in the file after the middle of the fifties imposed transportation, either in the first instance or upon commutation by the governor, while the rest were to death, except for a few scattering commutations to imprisonment. From 1859 to 1863 most sentences were commuted to labor upon the public works; but in 1864, although the blockade then made exports from the Confederacy virtually impossible, there was a curious reversion to sentences of deportation.

From the fact that the domestic slave-trade had carried many thousands of slaves from the Virginia Tidewater it might be surmised that, through the sale of the refractory, disorder would there

[2] Letter of William Ramsay, Alexandria, Va., June 20, 1792, to the governor of Virginia. *Calendar of Virginia State Papers*, V. 600. Another petition with many signatures supported this, and the sentence was commuted to transportation. *Ibid.*, pp. 617, 624.

have been reduced below the normal. While in regard to rape this is borne out by the record, the ratio of slave crime in general runs squarely counter. As a rule the convictions were nowhere so numerous in proportion to the slave population as in the Tidewater and the closely adjacent portions of the Piedmont. To explain this there comes to mind the ante-bellum belief that the presence of free negroes tended to make the slaves disorderly; and in fact an excess in the ratio of the free negro population to that of the slaves existed in most of the counties where slave crime was excessive.

The rates of compensation to the masters of the condemned slaves of course varied widely. The subjoined chart will show the fluctuations from year to year in the average appraisals of those who may be reckoned to have been prime field hands. From $800 in 1861, these valuations rose to $900 in 1862, $3000 in 1863, and $4000 in 1864 in Confederate money. But that is merely to say that Confederate paper depreciated still more swiftly than did slave property.

ULRICH B. PHILLIPS.

Average Valuations of Prime Field Hands convicted of Capital Crime in Virginia, 1782–1861.